

REMARKS

Cell line JL3A3 which produces chimeric 412 antibody, and which was re-designated C128A (JL3A3.13) by Assignee Centocor, Inc., was deposited under the terms of the Budapest Treaty with the American Type Culture Collection Corporation on September 10, 2004, under Accession No. PTA-6196. The specification has been amended to refer to the deposit and the claims have been amended to recite the Accession No. of the deposit.

These amendments add no new matter.

Filed concurrently herewith is a Statement under 37 C.R.F. §§ 1.806 and 1.808, and a statement under 37 C.F.R. § 1.804(b) of inventor John Ghrayeb .

Paragraph 3. Rejection of Claims 1, 4, 5, 7, 19 and 20 Under 35 U.S.C. § 112, First Paragraph.

Claims 1, 4, 5, 7, 19 and 20 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the enablement requirement may be satisfied by a deposit of the M-T412 hybridoma or cell line that produces a chimeric antibody comprising the M-T412 variable region.

Cell line JL3A3, which was re-designated C128A (JL3A3.13) by Assignee Centocor, Inc., has been deposited under the terms of the Budapest Treaty with the American Type Culture Collection Corporation, thereby obviating the rejection.

Paragraph 7. Rejection of Claims 1, 4, 5, 7, 19 and 20 Under 35 U.S.C. § 112, Second Paragraph.

Claims 1, 4, 5, 7, 19 and 20 are rejected under 35 U.S.C. § 112 as being indefinite. The Examiner suggests that the claims be amended to recite the ATCC Accession No. of the deposited cell line.

The claims have been amended as suggested by the Examiner, thereby obviating the rejection.

Request for Rejoinder

Non-elected Claims 13, 16 and 17 are drawn to a method of therapy comprising administering a chimeric immunoglobulin or chimeric antigen binding fragment of Claim 1. Therefore, if product Claim 1 is found to be allowable, then method Claims 13, 16 and 17 should

also be allowable. Applicants request, pursuant to U.S. Patent Office practice (MPEP § 821.04), that Claims 13, 16 and 17 be rejoined if Claim 1 is found to be allowable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By  _____

Robert H. Underwood

Registration No. 45,170

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

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